

## 1131 Low Enhanced Inspection and Maintenance Program (DRAFT)

(xx/xx/xx)

### 1.0 Purpose.

The purpose of this regulation is to ensure that emissions of hydrocarbons (HC), and carbon monoxide (CO) from light-duty vehicles in the State of Delaware do not adversely impact public health, safety, and welfare.

This program shall be known as the "Low Enhanced Inspection and Maintenance Program" or "LEIM Program", and shall be identified as such in the balance of this regulation.

(xx/xx/xx)

### 2.0 Applicability and General Provisions.

#### 2.1 Applicability.

2.1.1 Except as exempted in 2.2 of this regulation, the requirements of this regulation shall apply to all 1968 and later model year, light duty passenger cars and 1970 and later model year light duty trucks up to 8,500 pounds gross vehicle weight rating registered in Kent and New Castle Counties.

2.1.2 The requirements of 8.0 of this regulation shall apply to all certified emission repair technicians in the State of Delaware.

#### 2.2 Exemptions.

The following motor vehicles are exempt from the requirements of this regulation:

2.2.1 The ~~seven~~ five most recent model years of a light duty vehicle and beginning with vehicles that are model year 2011 or newer.

2.2.2 Vehicles manufactured and registered as Kit Cars.

2.2.3 Tactical military vehicles used exclusively for military field operations.

2.2.4 All motor vehicles with a manufacturer's gross vehicle weight over 8,500 pounds.

2.2.5 All motorcycles and mopeds.

~~2.2.6 All vehicles powered solely by electricity generated from solar cells and/or stored in batteries.~~

2.2.~~76~~ Non-road sources or vehicles not operated on public roads.

2.2.~~87~~ Model year vehicles 1996 and older powered solely by diesel fuel.

2.2.~~98~~ Any motor vehicle that is more than 25 years old with a title brand of "reconstructed".

2.2.9 All historic vehicles or antique vehicles displaying antique vehicle registration plates.

2.2.10 All farm vehicles not required by law to be registered.

## 2.3 General Provisions.

2.3.1 Vehicles shall be pre-inspected prior to the emission inspection, and shall be prohibited from testing should any unsafe conditions be found. These unsafe conditions include, but are not limited to significant exhaust leaks, and significant fluid leaks. The Division and the Department shall not be responsible for major vehicle component failures during the test, ~~of including~~ parts which were deficient or excessively worn prior to the start of the test.

2.3.2 Vehicles shall be rejected from testing, as covered in this regulation, if the exhaust system is missing or leaking, or if the vehicle is in an unsafe condition for testing.

2.3.3 Effective January 1, 1997 for vehicles registered in New Castle County and July 1, 1997 for vehicles registered in Kent County, in order to qualify for a waiver under 7.0 of this regulation on any 1996 or later model year vehicle or any 1997 or newer model diesel vehicle, emission repairs shall be performed by a certified emission repair technician as defined in 8.0 of this regulation.

2.3.4 Vehicles with engines of a model year older than the chassis model year shall be required to pass the standards commensurate with the chassis model year.

2.3.5 Mixing vehicle classes (e.g., light duty with heavy duty) and certification types (e.g., California with Federal) within a single vehicle configuration shall be considered tampering.

2.3.6 Subject vehicles which are registered in the program area but are primarily operated in another LEIM area shall be tested, either in the area of primary operation, or in the area of registration. Alternate schedules may be established to permit convenient

testing of these vehicles (e.g., vehicles belonging to students away at college should be rescheduled for testing during a visit home).

2.3.7 Vehicles which are operated on Federal installations located within State of Delaware shall be tested. This requirement applies to all employee owned or leased vehicles (including vehicles owned, leased, or operated by civilian and military personnel on Federal installations) as well as agency owned or operated vehicles, except tactical military vehicles, operated on the installation.

2.3.7.1 This requirement shall not apply to visiting agency, employee, or military personnel vehicles as long as such visits do not exceed 60 calendar days per year.

2.3.7.2 In areas without test fees collected in the lane, arrangements shall be made by the installation with the LEIM program for reimbursement of the costs of tests provided for agency vehicles, at the discretion of the Director. The installation manager shall provide documentation of proof of compliance to the Director. The documentation shall include a list of subject vehicles and shall be updated periodically, as determined by the Director, but no less frequently than each inspection cycle. The installation shall use one of the following methods to establish proof of compliance:

2.3.7.2.1 Presentation of a valid certificate of compliance from the LEIM program, from any other LEIM program at least as stringent as the LEIM program described herein, or from any program deemed acceptable by the Director.

2.3.7.2.2 Presentation of proof of vehicle registration within the geographic area covered by the LEIM program, except for any Inspection and Maintenance program whose enforcement is not through registration denial.

2.3.7.2.3 Another method approved by the Director.

2.3.8 Vehicles that have been switched from an engine of one fuel type to another fuel type that is subject to the LEIM program (e.g., from a diesel engine to a gasoline engine) shall be subject to the test procedures and standards for the current fuel type.

2.3.9 Vehicles that are switched to a fuel type for which there is no certified configuration shall be tested according to the most stringent emission standards established for that vehicle type and

model year. Emission control device requirements may be waived if the Division determines that the alternatively fueled vehicle configuration would meet the new vehicle standards for that model year without such devices.

2.3.10 Vehicles converted to run on alternate fuels, frequently called a dual-fuel vehicle, shall be tested and required to pass the most stringent standard for each fuel type.

2.3.11 Alternative fuel vehicles powered solely by a "clean fuel" such as compressed natural gas, propane, alcohol and similar non-gasoline fuels shall report for inspection to the same emission levels as gasoline powered cars until standards for clean fuel vehicles become available and are adopted by the State.

2.3.12 Dual-fuel vehicles able to be powered by more than one fuel, such as a clean fuel (compressed natural gas) and/or gasoline, shall report for inspection to the same emission levels as gasoline powered cars until standards for clean fuel vehicles become available and are adopted by the State.

2.3.13 Hybrid electric vehicles shall report for inspection to the same emission levels as gasoline powered cars until standards for hybrid electric vehicles become available and are adopted by the State.

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### 3.0 Definitions.

**"Alternative fuel vehicle"** means any vehicle capable of operating on one or more fuels, none of which are gasoline or diesel, and which is subject to emission testing to the same stringency as a similar gasoline or diesel fueled vehicle.

**"ASE L1"** means *"Advanced Engine Performance Specialist Test"* certificate as provided by the National Institute for Automotive Service Excellence. The ASE *"Advanced Engine Performance Specialist (L1) Test"* contains questions that test technicians' knowledge in the diagnosis and repair of computer-controlled engine systems.

**"Certified Emission Repair Technician" (CERT)** means an automotive repair technician certified by the National Institute for Automotive Service Excellence and has received an ASE L1 "Advanced Engine Performance Specialist Test" certificate or an equivalent certificate from a program approved by the Department and has been issued a permit by the Department.

**"Department"** means the Delaware Department of Natural Resources and Environmental Control.

**“Director”** means the Director of the Delaware Division of Motor Vehicles in the Department of Transportation.

**“Division”** means the Delaware Division of Motor Vehicles in the Department of Transportation ~~of the State of Delaware.~~

~~**“Department”** means the Department of Natural Resources and Environmental Control of the State of Delaware.~~

**“Dual-fuel vehicle”** means a vehicle with two fuel storage tanks capable of operating on more than one fuel type, one of which is gasoline and cannot be operated on a mixture of the fuels.

**“Emissions”** means the products of combustion and fuel evaporation discharged into the atmosphere from the tailpipe, fuel system or any emission control component of a motor vehicle.

**“Emissions standards”** means the maximum concentration of hydrocarbons (HC), and carbon monoxide (CO), or any combination thereof, allowed in the emissions from a motor vehicle as established by the Secretary, as described in this regulation.

**“Exhaust emission test”** means the curb idle ~~or two-speed idle~~ tests.

**“Failed motor vehicle”** means any motor vehicle which does not comply with applicable exhaust emission standards, evaporative system function check or on-board diagnostic requirements and emission control device inspection requirements during the initial test or any retest.

**“Flexible fuel vehicle”** means any vehicle with one fuel storage tank capable of operating on more than one fuel type, one of which includes gasoline, which must be tested to program standards for gasoline. This is in contrast to alternative fuel vehicles.

**“Gross vehicle weight”** means the vehicle gross weight as designated by the manufacturer as the total weight of the vehicle and its maximum allowable load.

**“High emitting vehicle (HEV)”** means a vehicle with emissions three times the applicable standard established by Table 4-1 for the exhaust emission test. For applicable 1996 and newer vehicles, an HEV means a vehicle with emissions three times the standard for group 5 in Table 4-1.

**“Hybrid electric vehicle”** means any vehicle that has two power sources: an electric motor to propel its wheels, and a gasoline engine to recharge the vehicle's electrical storage system. In some configurations the gasoline engine also assists the electric motor with propulsion.

**“Inspection Period”** means the two-year (biennial) period beginning the date which the vehicle passes inspection.

**“Kit Car”** means a car, especially a sports car, assembled by the owner from a set of prefabricated parts supplied by the manufacturer.

**“LEIM”** means the “Low Enhanced Inspection and Maintenance Program.” The purpose of the program is to ensure that emissions of hydrocarbons (HC), and carbon monoxide (CO) from light-duty vehicles in the State of Delaware do not adversely impact public health, safety, and welfare.

**“Light duty vehicle”** means passenger cars and light duty trucks, rated up to 8,500 pounds gross vehicle weight rating.

**“Malfunction Indicator Lamp (MIL)”** means the dashboard light on a vehicle that when illuminated indicates an emission control device is not working to the manufacturer’s specifications. ~~A~~ **The MIL is also known as the “check engine light.”**

**“Model year”** means the year of manufacture of a vehicle as designated by the manufacturer, or the model year designation assigned by the Division to a vehicle constructed by other than the original manufacturer.

**“Motor vehicle”** means every vehicle, as defined in 21 Del.C. ~~Section §101 that is required to undergo inspection by a motor vehicle technician and that would be subject to the emissions testing procedures outlined in this regulation.~~

**“Motor vehicle technician”** means a person who has completed an approved emissions inspection equipment training program, who is both authorized to and performs vehicle inspection requirements and is employed by the Delaware Division of Motor Vehicles or under contract with the State of Delaware.

**“New model year exemption”** means an exemption of a designated new model year of an applicable vehicle from any or all of the requirements in this regulation. The exemption shall begin on the first day of October of the calendar year, which will be the anniversary date for calculating the applicability of a vehicle for a new model year exemption. For example, a 2010 model year vehicle titled in Delaware in August of 2009 will have an anniversary date of October 1, 2009 and thus does not lose its ~~five~~ seven model year exemption status until October 1, ~~2014~~ 2016.

**“On-board diagnostics (OBD)”** means a system of vehicle component and condition monitors controlled by a central, on-board computer designed to signal the motorist when conditions exist which could lead to a vehicle’s exceeding its certification standards by 1.5 times the standard.

**“OBD diagnostics trouble codes (DTCs)”** ~~means is~~ a code that provides information on an OBD equipped motor vehicle’s emission control system malfunction status, and aide in identifying system malfunctions.

**“Official inspection station”** means all official Motor Vehicle Inspection places operated by the Division in the State of Delaware.

**“Reasonable cost”** means the actual cost of parts and labor which is necessary to cause the failed motor vehicle to comply with applicable emissions standards or which contributes towards compliance. It shall not include the cost of those repairs determined by the Division to be necessary due to the alteration or removal of any part of the emission control system of the motor vehicle, or due to any damage resulting from the use of improper fuel in the failed motor vehicle. It shall also not include any safety-related repair costs.

**“Reconstructed vehicle”** means a vehicle used only for participation in club activities, exhibits, tours, parades, and similar uses, and that are not used for general transportation or 1,000 miles per year.

**“Registration Denial”** means the refusal of rejection of an application for initial registration of a vehicle or re-registration of a used vehicle (i.e., a vehicle being registered after the initial retail sale and associated registration) unless the vehicle has complied with the LEIM inspection program requirement, prior to granting the application.

**“Registration Period”** means the period of time in which a motor vehicle’s license plate, registration and vehicle inspection requirements are met. Motor vehicle registration can be renewed 90 days prior to tag expiration date. Motor vehicles can be renewed for a period of one-year without inspection and two-years with inspection.

**“Secretary”** means the Secretary of the Delaware Department of Natural Resources and Environmental Control.

**“Vehicle type”** means the EPA classification of motor vehicles by weight class which includes the terms light duty and heavy duty vehicle.

**“Waiver”** means an exemption issued to a motor vehicle that cannot comply with the applicable exhaust emissions standard or OBD test and cannot be repaired for a reasonable cost.

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#### 4.0 Vehicle inspection requirements.

##### 4.1 General provisions.

- 4.1.1 Each vehicle subject to this regulation shall be inspected at least once every two years at an official inspection station operated by the Division.
- 4.1.2 All subject fleet vehicles shall be inspected at an official inspection station operated by the Division or at an alternate inspection station approved by the Director.
- 4.1.3 HC, CO, CO+CO<sub>2</sub> (or CO<sub>2</sub> alone) emission standards shall be applicable to all vehicles subject to the LEIM program and repairs shall be required for failure of any standard.
- 4.1.4 Initial tests (i.e., those occurring for the first time in a test cycle) shall be performed without repair or adjustment at the inspection facility, prior to the test.
- 4.1.5 An official test, once initiated, shall be performed in its entirety regardless of intermediate outcomes except in the case of invalid test condition or unsafe conditions.
- ~~4.1.6 Tests involving measurements shall be performed with equipment that has been calibrated according to the quality control procedures established by the Division.~~
- 4.1.~~7~~6 After an initial failure of any portion of any exhaust emission test in the LEIM program, all vehicles shall be retested without repairs being performed. This retest shall be indicated on the records as the second-chance test. After failure of the second-chance test, prior to any subsequent retests, proof of appropriate repairs must be submitted indicating the type of repairs and parts installed (if any). This shall be done by completing the "Vehicle Emissions Repair Report Form" as developed and provided by the Division.
- 4.1.~~8~~7 Any vehicle entering the inspection lane while smoking excessively or with coolant, oil, or fuel leaks, or any other such defect that is unsafe, shall be rejected from the testing area.
- 4.2 Exhaust emission testing procedures and standards.
  - 4.2.1 Exhaust emissions from 1968 to ~~1980~~ 1995 model year vehicles subject to this regulation shall be equal to or less than the rates specified in Table 4-1; determined pursuant to the following idle test requirements:
    - 4.2.1.1 Tests involving measurements shall be performed with equipment that has been calibrated according to the quality control procedures established by the Division.

- 4.2.1.~~1.1~~2 The motor vehicle technician shall insert a probe at least ~~10~~9 inches into the exhaust pipe.
- 4.2.1.~~2~~3 Genuine dual exhaust vehicles shall be tested with a dual exhaust probe.
- 4.2.1.~~3~~4 The analysis of exhaust gas concentrations shall begin no longer than 10 seconds after the applicable test mode begins.
- 4.2.1.~~4~~5 Exhaust gas concentrations shall be analyzed at a minimum rate of two times per second. The measured value for pass/fail determinations shall be a simple running average of the measurements taken over five seconds. To meet the standard, engine rotations-per-minute (RPM) should read between 350-1100 RPM.
- 4.2.1.~~5~~6 The test shall be immediately terminated upon reaching the overall maximum test time of 145 seconds.
- 4.2.2 Exhaust emissions from 1981 to 1995 model year vehicles subject to this regulation shall be equal to or less than the rates specified in Table 4-1. ~~determined pursuant to the requirements in Section 4.2.1.1, 4.2.1.2, 4.2.1.3 and 4.2.1.4, and the following two-speed idle test requirements:~~
- ~~4.2.2.1 After the vehicle is placed in the parking mode or in neutral with parking brake on, the motor vehicle technician shall instruct the vehicle operator to raise the vehicle's idle speed.~~
- ~~4.2.2.2 The test shall begin when the vehicle engine speed is between 2200 and 2800 rpm. If engine speed exceeds 2800 rpm or falls below 2200 rpm, the test shall be restarted. The maximum for this idle mode shall be 30 seconds~~
- ~~4.2.2.3 Upon completion of the test mode described in 4.2.2.2, the vehicle operator shall be instructed to lower the engine speed to normal idle (foot off the gas pedal). The maximum for this idle mode shall be 30 seconds.~~

<b>TABLE 4-1 EXHAUST EMISSION STANDARDS ACCORDING TO MODEL YEAR (1968-1995)</b>				
<b>Group</b>	<b>Auto/Station Wagons (passenger vehicles)</b>	<b>Pickup/Van under 8501 lbs.</b>	<b>Hydrocarbon (HC) Limit (ppm)</b>	<b>Carbon Monoxide (CO) Limit (%)</b>
<b>1</b>	<b>1968-70</b>	<b>1970-72</b>	<b>900</b>	<b>9.00</b>
<b>2</b>	<b>1971-74</b>	<b>1973-78</b>	<b>600</b>	<b>6.00</b>
<b>3</b>	<b>1975-79</b>	<b>1979-83</b>	<b>400</b>	<b>4.00</b>
<b>4</b>	<b>1980</b>	<b>(none)</b>	<b>220</b>	<b>2.00</b>
<b>5</b>	<b>1981-95</b>	<b>1984-95</b>	<b>220</b>	<b>1.20</b>

#### ~~4.3 — Evaporative emission procedures and standards.~~

~~4.3.1 — 1975 through 1995 model year vehicles shall pass the evaporative system integrity (pressure) test pursuant to the following requirements:~~

~~4.3.1.1 — The motor vehicle technician shall open the hood of the vehicle in order to access the vapor canister.~~

~~4.3.1.2 — The motor vehicle technician shall crimp the intake hose to the canister.~~

~~4.3.1.3 — The motor vehicle technician shall remove the gas cap and apply the air pressure equipment hose to the cap.~~

~~4.3.1.4 — Upon completion of the gas cap test, the motor vehicle technician shall apply the pressure equipment hose to the fuel intake. Air is then applied to pressurize the fuel system from the fuel intake to the vapor canister.~~

~~4.3.2 — Vehicles shall fail the evaporative system integrity test(s) if the system(s) cannot maintain the equivalent pressure of eight inches of water for up to two minutes after being pressurized to  $14.0 \pm 0.5$  inches of water. Additionally, vehicles shall fail evaporative system integrity testing if the canister is missing or obviously disconnected, the hoses are crimped off, or the fuel cap is missing.~~

4.34. On-board diagnostics procedures and standards.

4.34.1 1996 and later model year vehicles shall be subject to OBD II test~~ing~~ pursuant to the following procedures:

4.34.1.1 The motor vehicle technician shall instruct the vehicle operator to leave the vehicle for this test.

4.34.1.2 The motor vehicle technician shall locate the Diagnostic Link Connector in the vehicle and insert the on-board diagnostic connecting cable..

4.34.1.2 3 The motor vehicle technician shall shut off the ignition. The ignition must be off for 15 seconds prior to turning back on.

4.3.1.4 The motor vehicle technician will then observe the MIL (malfunction indicator lamp) when the ignition key is in the on position with the engine off. MIL should illuminate. and then when the engine is turned on and running.

4.3.1.5 The motor vehicle technician shall start the engine and observe for the MIL to be commanded off.

4.34.1.36 The motor vehicle technician shall locate the Diagnostic Link Connector in the vehicle and insert the on-board diagnostic connecting cable. The vehicle's emission control device information from the vehicle's computer shall be transmitted to the DMV on-board diagnostic equipment for the test to be completed successfully

4.4.2 Vehicles shall fail the OBD test if:

4.4.21 Malfunction Indicator Light (MIL) is not lit during key on, engine off check of bulb; and/or

4.4.2 MIL is lit (or commanded on) for any Diagnostic Trouble Codes (DTC) during engine on mode;

4.4.23 Data Link Connector (DLC) is damaged, missing, tampered or obstructed by an after-market device

4.4.24 More than two unset readiness codes for model years 1996-2000.

4.4.25 More than one unset readiness code for model years 2001 and newer. If the motor vehicle failed for an

evaporative monitor code, then the evaporative monitor must be ready and pass.

4.4~~5~~.3 1996 and newer light-duty vehicles and light-duty trucks not equipped by the manufacturer with certified on-board diagnostics systems with the exception of tampered or removed systems shall be required to undergo ~~the two speed idle test, the evaporative system integrity (pressure) test and~~ the emission control device test.

4.~~65~~ Visual equipment inspection standards.

4.~~65~~.1 1975 and later model year vehicles shall pass a visual inspection of the catalytic converter.

4.~~65~~.2 Visual inspection of emission control devices ~~s checks~~ shall be performed through direct observation or through indirect observation using a mirror. These inspections shall include a determination as to whether each subject device is present.

4.~~65~~.3 Vehicles shall fail visual inspections of subject emission control devices if such devices are part of the original certified configuration and are found to be missing, modified, disconnected, or improperly connected.

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5.0 [Reserved]

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6.0 On-road inspection standards and test procedures.

6.1 Periodic random Delaware registered vehicle pullovers or on-road testing on Delaware highways may occur without prior notice to the public for on-road vehicle exhaust emission testing.

6.1.1 Vehicles within the LEIM area and identified by the on-road testing portion of the LEIM program as high-emitting vehicles shall be notified of the requirement for an out-of-cycle emission retest, and shall have 30 days from the date of the notice to appear for inspection.

6. 21.2 Vehicles not appearing for a retest shall be out of compliance, and be liable for penalties under Title 21 of Delaware Criminal and Traffic Law Manual and the Division shall take action to suspend the vehicle registration.

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7.0 Vehicle emission inspection waivers.

## 7.1 Waiver issuance criteria.

7.1.1 Motorists shall expend a reasonable cost, as defined in 3.0 of this regulation in order to qualify for a waiver.

7.1.1.1 In order to qualify for a waiver, repairs of primary emission control components (cost of parts only) on any 1981 through 1995 vehicle (OBD-equipped vehicles not included) may be performed by non-permitted technicians (e.g., vehicle owners) and must have been appropriate to correct the emission failure.

7.1.1.2 The waiver would apply to the cost of parts for the repair or replacement of the following list of emission control component systems:

7.1.1.1.1 Air induction system (air filter, oxygen sensor),

7.1.1.1.2 Catalytic converter system (converter, preheat catalyst),

7.1.1.1.3 Thermal reactor,

7.1.1.1.4 EGR system (valve, passage/hose, sensor)

7.1.1.1.5 PCV System, air injection system (air pump, check valve),

7.1.1.1.6 Ignition system (distributor, ignition wires, coil, spark plugs).

7.1.1.1.7 The cost of any hoses, gaskets, belts, clamps, brackets or other emission accessories directly associated with these components may also be applied to the waiver limit.

7.1.1.3 For vehicles failing the exhaust emissions (tailpipe) test under 4.1-4.2 of this regulation, in order to qualify for waiver, repairs (cost of parts and labor) on any 1981 ~~or later model through 1995~~ year vehicle shall be performed by a eCertified eEmission rRepair tTechnician (CERT), as defined in 3.0 of this regulation, and must have been appropriate to correct the emission failure.

7.1.1.4 For vehicles failing the on-board diagnostics test under 2.2-4.4 of this regulation in order to qualify for waiver, repairs on any 1996 or later model year vehicle shall be performed by a certified emission repair technician as

defined in 3.0 of this regulation, and must have been appropriate to correct the emission failure.

- 7.1.2 Any available warranty coverage shall be used to obtain needed repairs before expenditures can be counted towards the cost limits in 7.1.4 of this regulation. The owner or operator of a vehicle within the statutory age and mileage coverage under the engine warranty requirements found in section 207(b) of the Clean Air Act shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived for approved tests applicable to the vehicle.
- 7.1.3 Original Receipts shall be submitted for review to further verify that qualifying repairs were performed. Original receipts cannot be used more than once for verification.
- 7.1.4 ~~A- The~~ minimum expenditure for waivers repairs of was \$75 for ~~pre-1981-(1968-1980)~~ model year vehicles or a minimum expenditure of \$200 for 1981 model year and newer vehicles ~~shall had to~~ be spent in order to qualify for a waiver.
- 7.1.5 The minimum expenditure for repairs for 1981 and newer vehicles shall increase to \$450 starting January 1, 2000. For each subsequent year, the \$450 minimum expenditure shall be adjusted in January of that year by the percentage, if any, by which the Consumer Price Index for the preceding calendar year differs from the Consumer Price Index for 1989.
- 7.1.6 The issuance of a waiver applies only to those vehicles failing an exhaust emission, ~~or~~ on-board diagnostics test or non- evaporative-related codes. No waivers are granted to vehicles failing the evaporative emission integrity test.
- 7.1.7 Waivers shall be issued by the Director or his/her designee only after a vehicle has failed a retest for only the exhaust emissions or non-evaporative on-board diagnostics portions of the inspection program, performed after all qualifying repairs have been completed or non-evaporative emissions codes have been cleared;
- 7.1.8 Qualifying repairs include repairs of primary emission control components as defined in 7.1.1.2 performed within 90 days of the test date.
- 7.1.9 Waivers issued pursuant to this regulation are valid until the date expiration of the current vehicle inspection period. registration expiration.

7.1.10 Waivers shall not be issued to vehicles for tampering-related repairs. The cost of tampering related repairs shall not be applicable to the minimum expenditure in 7.1.4 of this regulation. The Director shall issue exemptions for tampering-related repairs if it can be verified that the part in question or one similar to it is no longer available for sale.

~~7.2 Compliance via diagnostics inspection.~~

~~Vehicles subject to an emission test at the exhaust emission standards shown in Table 4.1 of this regulation may be issued a certificate of compliance without meeting the prescribed emission exhaust emission standards, if after failing a retest on emissions, a complete, documented physical and functional diagnosis and inspection performed by a certified emission repair technician shows that no additional emission related repairs are needed.~~

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8.0 Certified eEmission rRepair tTechnicians.

8.1 Emission repair technician certification.

8.1.1 An emission repair technician may be certified as trained to do emission repairs on all makes of vehicles or vehicles of a specific manufacturer. Auto repair technicians seeking to become certified under 7 DE Admin Code 1131 shall meet one of the following requirements:

~~8.1.1.1 Applicants currently certified by the Department as of 06/11/2012 shall have up to 06/11/2017 to become ASE-L1 certified or present certification from an equivalent program which is approved by the Department.~~

8.1.1.2 Applicants that are currently ASE-L1 certified ~~as of 06/11/2012~~ shall be certified permitted by the Department for the period the ASE-L1 certification is current.

8.1.1.3 New applicants ~~that have not been previously certified by the Department as of 06/11/2012~~ shall be ASE-L1 certified or present certification from an equivalent program which is approved by the Department and the Division.

8.1.2 A certified emission repair technician ~~certification permit~~ or any renewal thereof shall be valid for a period not to exceed five years from the date of issuance, unless sooner revoked by order of the Department, and may be renewed upon application to and approval by the Department.

8.1.3 At the time of application to receive certification, a certified emission repair technician shall also make application in accordance with 8.3 of this regulation to receive a permit to conduct ~~on-board-diagnostics drive-cycle~~ testing of vehicles that are not in compliance with 21 **Del.C.** §2115.

8.2 Vehicle ~~on-board-diagnostics drive-cycle~~ testing permit.

8.2.1 Applicability.

Vehicle ~~on-board-diagnostics drive-cycle~~ testing permits shall be issued to all certified emission repair technicians to conduct on-board diagnostics testing of vehicles that are not in compliance with 21 **Del.C.** §2115.

8.2.2 General provisions.

8.2.2.1 This regulation establishes the procedures that satisfy the requirement of 7 **Del.C.** Ch. 67 § 6709 to provide a permit to certified emission repair technicians to conduct ~~on-board-diagnostics drive-cycle~~ testing of vehicles that are not in compliance with 21 **Del.C.** §2115.

8.2.2.2 Any ~~permit issued approval-granted~~ by the Department pursuant to this regulation shall not relieve ~~the~~ certified emission repair technician of the responsibility of complying with applicable local, State, and Federal laws and regulations.

8.2.3 Cancellation of permits.

The Department may cancel the vehicle ~~on-board-diagnostics drive-cycle~~ testing permit if the certified emission repair technician fails to maintain their certification as required by 8.1 of this regulation.

8.2.4 Action on applications.

8.2.4.1 If an application is disapproved, the Department shall set forth its objections in the notice of disapproval.

8.2.4.2 Upon ~~granting written approval~~ issuing the permit for vehicle ~~drive-cycle on-board diagnostics~~ testing, the Department shall give notice of such approval to any person who has submitted a written request for such notice.

8.2.5 Transfer of permit prohibited.

No person shall transfer a vehicle ~~on-board diagnostics~~ drive-cycle testing permit to another person.

8.2.6 Availability of permit.

Any permit issued by the Department pursuant to 8.0 of this regulation shall be in the possession of the certified emission repair technician when operating any vehicle that ~~are is~~ not in compliance with 21 **Del.C.** §2115 in order to conduct ~~on-board diagnostics~~ drive-cycle testing.

~~8.2.7 Permit expiration.~~

~~A vehicle on-board diagnostics testing permit or any renewal thereof shall be valid for a period not to exceed five years from the date of issuance, unless sooner revoked by order of the Department, and may be renewed upon application to and approval by the Department.~~

8.3 Permit ~~and certified emission repair technician~~ application.

8.3.1 Any person identified in 8.1 ~~and 8.2.2~~ of this regulation shall submit to the Department a complete applications for a vehicle ~~on-board diagnostics~~ drive-cycle testing permit and ~~certified emission repair technician~~ certification on forms furnished by the Department. Permit ~~and certification~~ application forms are available online or from the Department upon request.

8.3.2 The application shall include ~~consist of a description of at least~~ the following:

8.3.2.1 Applicant's contact information.

~~8.3.2.2 Name and location of auto repair facility where applicant is employed.~~

8.3.2.32 Applicant's emission repair certification information.

8.3.2.4 3 Name of certifying organization.

8.3.2.5 4 Date certified.

8.3.2.6 5 Date certification expires.

~~8.3.2.7 Insurance Information (e.g. Shopkeeper's or Garage Keeper's Policy) including policy number, policy expiration date and name of issuing agent.~~

8.3.2.8 6 The application shall contain the following language from the applicant: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

8.3.3 The applicant shall submit any additional information requested by the Department deemed necessary to process the application.

8.4 Permit ~~and certified emission repair technician certification~~ fees.

8.4.1 Pursuant to with 7 Del.C. ~~§ 6709~~ §6706, the Department may establish permit fees to recover costs reasonably related to the issuance of such permits.

8.4.2 The permit fee shall be \$125 for the five year period (which shall be a pro-rated permit fee of \$25 per year for each year or partial year of the permit) covering the permit and certification of the certified emission repair technician.

~~8.4.3 Permits issued for any period less than five years shall be pro-rated the permit fee \$25 per year for each year of the permit.~~

(xx/xx/xx)

## 9.0 Enforcement and Registration Denial.

9.1 Vehicle registration enforcement is the express responsibility of the Division with the assistance of police agencies for on road ~~inspection~~ enforcement and verification.

9.2 The Division shall provide an external, readily visible means of determining vehicle compliance with the registration requirement to facilitate enforcement of the LEIM program.

~~9.3 Owners of subject vehicles must provide valid proof of having received a passing emissions test or a waiver issued by the Director or his/her designee in order to receive a valid vehicle registration from the Division.~~

(xx/xx/xx)

10.0 [Reserved]

(xx/xx/xx)

11.0 [Reserved]

(xx/xx/xx)

12.0 [Reserved]

(xx/xx/xx)

13.0 [Reserved]

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